

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WADE BURRIS, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

THE SHERWIN-WILLIAMS COMPANY,

Defendant.

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No. 15-00343-CV-W-DW

ORDER

Before the Court is Plaintiff's Motion and Memorandum for Preliminary Approval of Class Action Settlement, Approval of Notice Plan, and Setting a Final Fairness Hearing (Doc. 23). Plaintiff's Class Action Petition, originally filed in state court, brings a class action alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA") by Defendant. Per a separate email from Plaintiff's counsel, Defendant's counsel has reviewed and approved all of the exhibits including the proposed order, and was sent a copy of the email.

Based on a review of the record, the motion, and the documents attached in support, the Court preliminarily determines that the terms of the proposed settlement are fair, reasonable and adequate. Furthermore, the Court determines that the proposed settlement class is a proper class for settlement purposes. Accordingly, and for the additional reasons set forth in the motion, it is ORDERED that the Motion for Preliminary Approval of Class Action Settlement, Approval of Notice Plan, and Setting a Final Fairness Hearing (Doc. 23) is GRANTED. For settlement purposes only, the Court:

- (1) preliminarily approves the parties' Settlement Agreement (Doc. 23-1);
- (2) provisionally certifies the Settlement Class under Fed. R. Civ. P. 23(a) and (b)(3), as defined in the Settlement Agreement;
- (3) approves the proposed Notice of Proposed Class Action Settlement and of Settlement Hearing (Doc. 23-2) for distribution to the class members;
- (4) appoints Plaintiff Wade Burris as the Class Representative;
- (5) appoints Ralph K. Phalen, Mitchell Burgess, and Phyllis Norman as Class Counsel as contemplated by Fed. R. Civ. P. 23(g);
- (6) appoints Dahl, Inc. as the Claims Administrator;
- (7) sets a final fairness hearing on Tuesday, February 23, 2016 at 1:30 p.m. pursuant to Fed. R. Civ. P. 23(e)(2); and
- (8) stays all matters in this action, except as necessary to implement, advance, or further the Settlement Agreement or the settlement process.

SO ORDERED.

Date: November 17, 2015

/s/ Dean Whipple
Dean Whipple
United States District Judge